

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

NORFOLK SOUTHERN RAILWAY
COMPANY,

Plaintiff,

v.

CITY OF PITTSBURGH,

Defendant,

V.

CHARLES L. DESMONE & ASSOCIATES,
D/B/A DESMONE & ASSOCIATES
ARCHITECTS,

Third-Party Defendant.

No. 04-1808

Judge Gary L. Lancaster / Magistrate
Judge Amy Reynolds Hay

ELECTRONICALLY FILED

WITHDRAWAL OF MOTION FOR CONTEMPT

Plaintiff Norfolk Southern Railway Company (“Norfolk Southern”), by and through its undersigned counsel, respectfully withdraws the Motion for Contempt filed with this Court on August 15, 2006. The City of Pittsburgh has now paid the amounts due and owing as of this date in accordance with the Court’s Order dated March 21, 2006. Norfolk Southern reserves the right to seek payment of its reasonable attorneys’ fees and costs incurred in connection with the filing of the Motion for Contempt in the event that it becomes necessary to file another such motion at a later date.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY, PC

By: /s/ W. Gregory Rhodes

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Attorneys for Plaintiff Norfolk Southern Railway
Company

SO ORDERED, this 20th day of December, 2006.



Gary L. Lancaster, U.S. District Judge